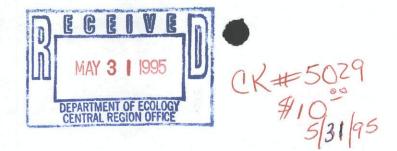


May 25, 1995

Central Regional Office 3601 West WAshington Avenue Yakima, WA 98903-1164



Dear Sir:

Enclosed you will find our application for Water Rights, also enclosed is the previous application and evaluation of the spring, application #S4-28989 and Permit #S4-28989P.

The last to pages of the enclosed pages is the Assessor's parcel map.

If you have any further questions please feel free to call. We appreciate your help.

Sincerely,

K.L. DeLozier

Carol R. DeLozier

2525 LeMaister

Wenatchee, WA 98801

of L DeLogic

Vernor

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

3601 West Washington • Yakima, Washington Qualific a Markington Qualific a Marki





3601 West Washington • Yakima, Washington 98903

.Paul Val Blazine 211 Pace #45 East Wenatchee, WA 98801

NOTE. Sy-28989 Cancelled on 11/13/90

Water Application No. S4-28989 Re: Surface

Your application has been approved and a permit will be issued in accordance with the enclosed Report of Examination upon payment of the statutory fee of \$ 5.00 . Please make your check payable to the Department of Ecology.

This letter and enclosed Report of Examination constitute our determination and order. Chapter 43.21B RCW provides that any person who feels aggrieved by such an order may submit an appeal to the Pollution Control Hearings Board of Washington, with a copy to the director of the Department of Ecology, within 30 days of receipt of the order. Procedures for requesting a hearing may be obtained from this department.

Please send your permit fee within 30 days.

Sincerely,

Russell K. Taylor Regional Manager

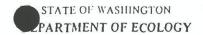
CENTRAL REGIONAL OFFICE

ska

Enclosure: Report of Examination

432320

ECY 040-1-13 Rev. 6/78



REPORT OF EXAMINATION TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

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G	round Water (Issue	ed in accordance with the dments thereto, and the r	provisions of Cha rules and regulatio	pter 263, Laws of Washing ns of the Department of E	iton for 19 cology.)	45, and		
PRIORITY DATE APPLICATION N		TION NUMBER	NUMBER PERMIT NUMBER		CERTIFICATE NUMBER			
June 25, 1986	S4-	28989						
NAME PAUL VAI, BIAZINE	C	*						
ADDRESS (STREET)		(CITY)	(STATE)		(ZIP CODE)			
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Within the NaNE SW of Section 24, T. 22 N., R. 21 E.W.M. in Chelan County.

A 7-1/2 horsepower gas pump.



storage tanks.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:
Begun

November 1, 1988

WATER PUT TO FULL USE BY THIS DATE: November 1, 1989

REPORT

Background

On June 25, 1986, Paul Val Blazine filed an application to appropriate public surface waters. The application was accepted, assigned number S4-28989 and public notice was made. The 30 day protest period expired with no protests being received.

Investigation

A site inspection was conducted by the writer on March 16, 1987. Based on this inspection, as well as previous inspections within the drainage within the last two years, and a review of office records, the following data were gathered.

The applicant has requested 0.01 cubic feet per second (cfs-or 4-1/2 gallons per minute) from an unnamed spring which flows within Sties Canyon tributary to Number Two Canyon Creek for single domestic supply from April 1 to October 31 within the N1/2NE1/4SW1/4 of Section 24, T. 22 N., R. 19 E.W.M. in Chelan County. The property is located approximately 4 miles southwest of the city of Wenatchee.

The applicant proposes to divert water from a point located approximately 2450 feet north and 2300 feet east from the southwest corner of Section 24, being within the NE1/4SW1/4 of Section 24, T. 22 N., R. 19 E.W.M. A 7-1/2 horsepower gas driven pump will be installed to deliver water to one home. A 1-1/2 inch mainline will extend from the pump to two storage tanks: a 750 gallon tank and a 1000 gallon tank.

Sties Canyon is a part of Number Two Canyon. The Number Two Canyon watershed drains an area of approximately 9.77 square mile (or approximately 6253 acres in size). Sties Canyon makes up approximately 1/5 of the Number Two Canyon watershed (or approximately 1250 acres). The watershed is comprised of alluvium materials overlaying the bedrock. The bedrock consists of Chumstick and Swauk formation sandstones. The alluvium formation is generally thinnest on the ridge areas and thickest in the canyon floor.

Recharge to this area is derived from precipitation. The long-term average precipitation incident to the watershed is approximately 12 inches per year. The amount of incident precipitation which contributes to aquifer recharge is that which infiltrates to the water table. This is dependent upon the soil type, vegetation, conditions of the ground when precipitation occurs and the rate at which the precipitation occurs. Making a reasonable assumption, approximately 1.5 inches or 12-1/2 percent of the incident precipitation contributes to aquifer recharge. Therefore, the average annual yield for Sties Canyon, based on the size of the watershed and aquifer recharge, is approximately 160 acre-feet per year, of which one-half could be expected to be available during the irrigation season. This canyon experiences high runoff during the spring. The 80 acre-feet estimated to be available during the summer in fact will therefore vary greatly from year to year.

On the day of the site inspection, Sties Canyon still had snow pack. There was approximately 5 gpm flowing in the channel just below the applicant's proposed point of diversion. The spring in Sties Canyon is intermittent and on previous visits to the drainage the writer has observed it to be dry in the lower portion below (north of) the applicant's proposed point of diversion.

On July 15, September 10 and 27, 1985, the writer visited Sties Canyon and Number Two Canyon for another application on file, which was located at the confluence of Sties Canyon and Number Two Canyon, and observed the flows. Number Two Canyon Creek is also intermittent and the flow in the creek varies each year. On July 15, there was no flowing water in the creek bed at the confluence of Sties Canyon and Number Two Canyon. About 500 feet above (southwest of) the confluence in Number Two Canyon Creek there was a small amount of flowing water which was estimated to be 1 gpm. Further updrainage (west) about 1/2 mile, the flow in the creek was about 5 to 7 gpm. Just below the confluence to the northeast about 1/4 mile, the creek flowed again about 5 gpm, then disappeared into the ground. On September 10 and 27, the spring in Sties Canyon just above the confluence was dry. The 1985 and 1986 seasons had been relatively dry years. 1987 is proving to also be a very dry year.

Miscellaneous Decree No. 760 was issued by the Chelan Superior Court in 1910 which was brought about by the last users within Number Two Canyon to determine riparian rights to the creek. The SW1/4 of Section 13, and the N1/2NE1/4 and SE1/4NW1/4 of Section 24, which contains 280 acres, were determined to have a riparian right and that it appeared that the waters of Number Two Canyon Creek had historically been used for domestic and irrigation of 35 acres. However, it could not be determined where those 35 acres were located nor the quantity of water used.

There are several water right claims on file in this office within Number Two Canyon and Sties Canyon. The intent of the Water Right Claims Registration Act, Chapter 90.14 of the Revised Code of Washington (RCW), was to document those uses of surface water in existence prior to the adoption of the State's Surface Water Code, Chapter 90.03 RCW, which was adopted in June of 1917; and those uses of ground water in existence prior to the adoption of the State's Ground Water Code, Chapter 90.44 RCW, which was adopted in June of 1945. Since each code's adoption, the method of acquiring a right within the State if by filing for and receiving a permit from the Department of Ecology. Also, in order for a claim to be considered valid, there must have been no period of non-use for five successive years.

Eleven water right claims have been filed within Sties Canyon of which nine are located above (south of) the applicant's point of diversion. There are two water right claims which, in part, describe the applicant's place of use.

Water Right Claim No. 153298 was filed by Roy Leland. He claimed 1 cfs, 144 acre-feet per year from springs and the South Branch Canvon Number Two Creek (the writer believes this is the spring flow in Sties Canyon) for domestic supply, stockwater and irrigation of 57 acres within the SW1/4 of Section 13, and the W1/2 of Section 24, T. 22 N., R. 19 E.W.M. The described place of use totals 400 acres. The point of diversion was not known but it was suppose to be somewhere within the NE1/4 of Section 23, the NW1/4 of Section 24 and the SW1/4 of Section 13. Mr. Leland indicated on the claim that the actual use taking place was "unknown". The date of first use given was prior to 1917.

Water Right Claim No. 153299 was also filed by Roy Leland. He claimed 1 cfs, 144 acre-feet per year from springs and the South Branch Canyon Number Two Creek for domestic supply, stockwater and irrigation of 57 acres. The place of use and point of diversion is the same as that under claim No. 153298. Mr. Leland indicated on claim No. 153299 that the actual use taking place was "unknown" and the date of first use was prior to 1917.

A full field reconnaissance of the area was done on September 10, 1987, by Bob Barwin and the writer. This area was looked at carefully. No irrigation was taking place within the place of use given under Water Right Claims No. 153298 and No. 153299, nor were there signs of historic use having occurred. The general area looked too steep for irrigation purposes. A couple of homes were within this general area and there was also stock in the area.

Based on this knowledge, these claims do not appear valid for the irrigation portion. However, since there were homes and stock, the claims may be appurtenant to the homes if the use was occurring prior to 1917.

page 2

Water Right Claim No. 7955 was filed by Kenneth and Lillian Olsen. They claimed a use of 2 gpm, 2 acre-feet per year from springs and the South Branch Canyon Number Two Creek for single domestic supply, stockwater and irrigation of 1/2 acre within the S1/2SW1/4 of Section 13. The point of diversion given on the claim is 1300 feet east and 650 feet south of the northwest corner of Section 24, being within the N1/2NW1/4 of Section 24. The date of first use given was prior to 1900.

Report of Examination Page 3 ·

À pipe was observed in this general area about 400 feet below (north of) the point of diversion given on claim No. 7955. There is a home located in this area as well. It is possible that the pipe goes to this home. This point of diversion is located about 3000 feet downdrainage (north of) the applicant's proposed point of diversion. The point of diversion under claim No. 7955 is located in an area which has been observed to be dry.

There are several water right claims filed for Number Two Canyon at or below the confluence with Sties Canyon. There are four claims at the confluence of Sties Canyon. Water Right Claim No. 7957 claimed 25 gpm, 50 acre-feet per year from springs and the West Fork Number Two Canyon Creek for domestic supply, stockwater and the actual claimed irrigation of 7 acres. Date of first use given was 1900. Water Right Claim No. 7958 claimed 10 gpm, 1 acre-foot per year from a well for irrigation of 1 acre. The date of first use given was 1970. Water Right Claim No. 7959 claimed 3 gpm, 1 acre-foot per year from spring and the West Fork Number Two Canyon Creek. The date of first use given was 1900. Each claim identified the place of use as being within the S1/2SW1/4 of Section 13, T. 22 N., R. 19 E.W.M.

Water Right Claims No. 7959 and 7957 may represent valid claims if there has been no period of non-use for five successive years. However, it is doubtful that a working system is installed or that there has been a use of water within several years. Water Right Claim No. 7958 date of first use is well beyond the enactment date of the Ground Water Code, which is 1945. Therefore, this claim, if deemed valid, would be to the extent allowed under the Ground Water Code's domestic exemption, Section 90.44.050 RCW, which allows the use of up to 5,000 gallons per day from a well for continuous domestic supply, stockwater and irrigation of not more than 1/2 acre of lawn and garden without having to secure the otherwise mandatory permit.

Two water right claims were filed for a diversion point directly below the confluence of Sties and Number Two Canyon. Water Right Claim No. 96604 claimed 90 gpm, 18 acre-feet per year from Number Two Canyon Creek for irrigation of 18 acres from March 15 to June 15. The date of first use given was 1892. Water Right Claim No. 97642 claimed 180 gpm, 72 acre-feet per year from an infiltration trench for domestic supply and irrigation of 18 acres. The date of first use given was 1916. Both claims were filed by the Mikkelsens and claimed a diversion point located 1250 feet north and 500 feet west from the south quarter corner of Section 13, being within the SE1/4SW1/4 of Section 13, and a place of use within the SW1/4SW1/4 of Section 8, which is about 2 miles northeast (downdrainage) of the place of use. Although the dates of first use given might indicate a valid claim, it is questionable if these claims have been exercised continuously or even recently. There is no evidence that a working system is at that location.

Claimed uses within Sties Canyon total 1090 acre-feet per year and within Number Two Canyon total 409 acre-feet per year. However, many of the claimed uses are highly overstated when compared with the actual use given or observed. Based on these observations during the field trip of September 10, as well as assignment of appropriate annual quantities, the total use under water right claims in Sties Canyon would be approximately 14 acre-feet and in Number Two Canyon 185 acre-feet, assuming validity. However, a majority of these claims do not appear to have been exercised recently (within the last five years).

There are three State granted water rights within Number Two Canyon which total 61 acre-feet per year. The points of diversion/withdrawal and places of use are all located downdrainage of the applicant, at the very bottom of the canyon just outside the city limits of the city of Wenatchee.

The water requirement for single domestic supply is one acre-foot per year. The pump described by Mr. Val Blazine is capable of producing far in excess of the 4-1/2 gpm contemplated in this report. Therefore, consideration must be given to installing a pump more consistent with the authorized diversion.

page 3

Based on the above facts, the writer makes the following conclusions:

Domestic supply is a beneficial use. Water appears to be available consistently during the spring and early summer of the year, however, as the season progresses the water supply will diminish. This spring does not appear to be a reliable source of water for the entire season. Due to the small quantity of water requested, the intermittent nature of the spring and the fact that the nearest claimed used that may be valid is located in a part of the spring channel that goes dry, there will be no impairment to existing rights. Granting a permit will not be contrary to the public interest.

Recommendations

Based on the above facts and conclusions, the writer recommends that a permit issue with the following quantities and provisions:

An instantaneous quantity 0.01 cfs and an annual quantity of 1 acre-foot per year be approved from an unnamed spring for single domestic supply from April 1 to October 31.

This source will not provide a firm supply of water during the entire season.

A proof inspection will be conducted prior to issuance of a certificate of water right.

REPORT BY:

Elaine Peterson

DATE .

Jugus 1,110/

APPROVED BY:

Doug Clausing, Regional Supervisor

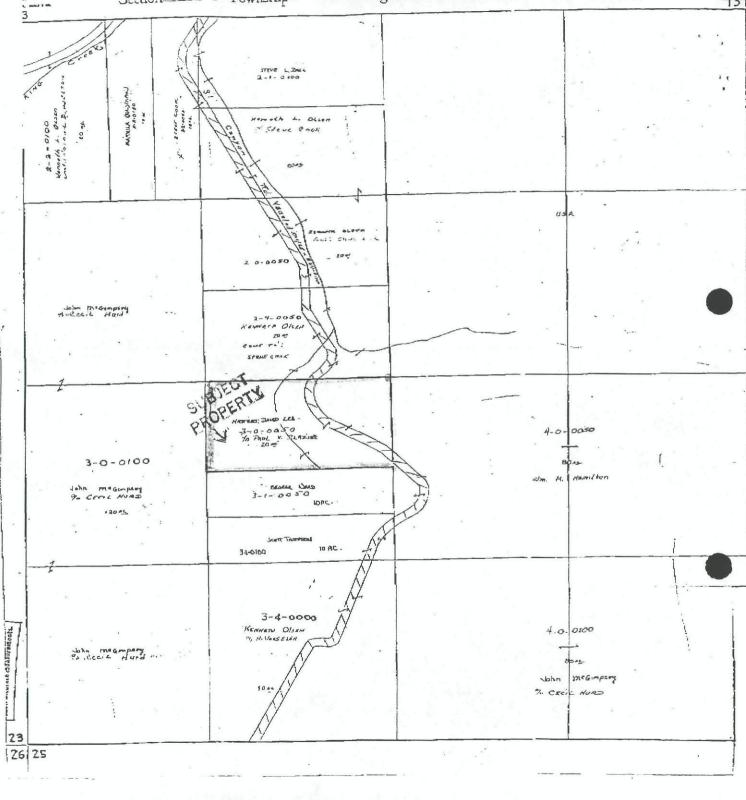
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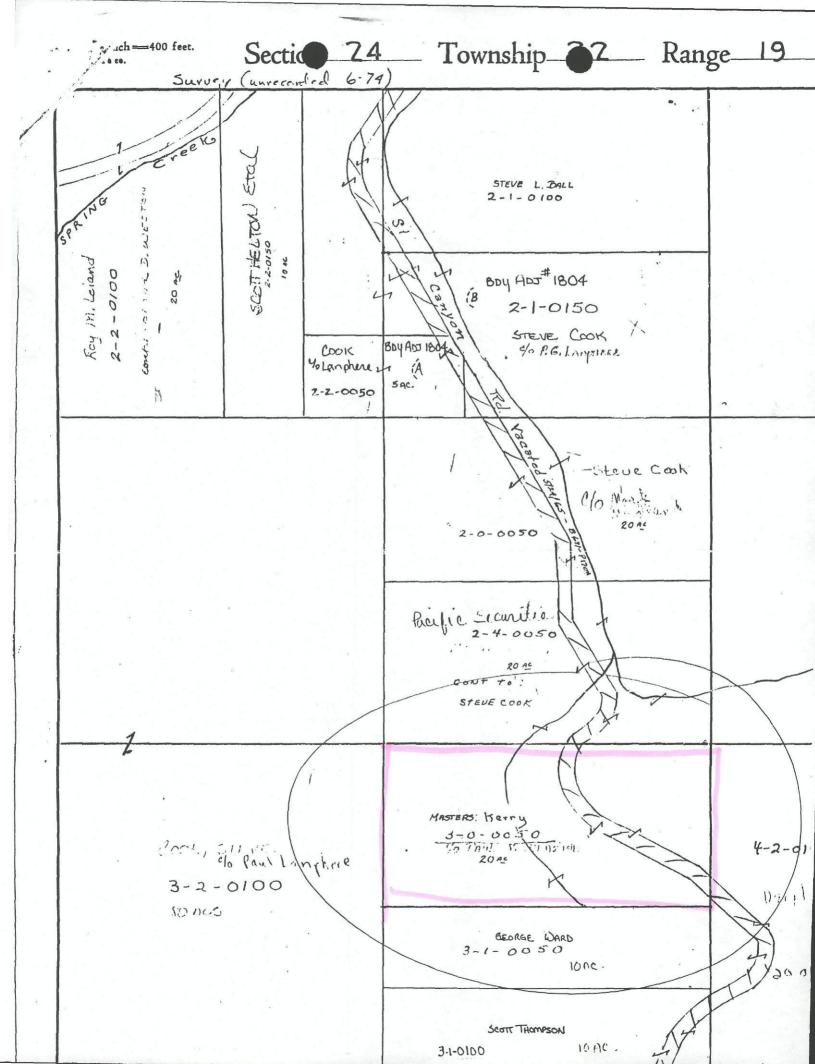
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THIS SKETCH IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH MET-HENCE TO STREETS AND OTHER PARCELS, IT IS NOT GUARANTEED AS TO ACCURACY AND THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURING IN BLASON OF BRUANCE THEREON.

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PERMIT

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